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MONROE COUNTY CLERK

# EXHIBIT I

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March 19, 2024

***Via Email: FacultySenate@UR.Rochester.edu***

Faculty Grievance Committee

Re: Clarification Requested on Grievance Process and Recent Developments
Ranga P. Dias Grievances – Removal of Students and Research Misconduct Investigation

Dear Members of the Faculty Grievance Committee,

As I was finalizing this letter yesterday, I received Ms. Liesveld's email dated yesterday in which Ms. Liesveld informed me that she has been advised that due to the filing of the Article 78 petition and related documents, the Committee is moving forward with the University's abrogation grievance in advance of my pending grievances. I am now writing to seek clarification and guidance regarding recent developments in the grievance processes as communicated by Ms. Liesveld in her email. Ms. Liesveld informed me that, following the filing of the Article 78 petition and related documents, the Committee has decided to prioritize the University's abrogation grievance over my pending grievances. This decision is purportedly based on the understanding that the research misconduct investigation report has become public due to Article 78 proceeding.

I must respectfully clarify that, to my knowledge, the investigation report remains confidential and not publicly accessible. Additionally, I am under the impression that the external Article 78 proceedings are separate from the UCTP's mandate to oversee internal faculty grievances. Consequently, the decision to expedite the abrogation grievance has left me perplexed regarding its alignment with established protocols. To better understand the situation, I kindly request detailed information on the specific policy provisions within the Faculty Handbook or other guiding documents that the UCTP is following in this matter. Furthermore, I seek clarification on why this approach was not communicated in your February 28, 2024, correspondence.

Could you also update me on any developments since your last communication that have influenced UCTP's decision to advance the university's abrogation grievance? Additionally, I would appreciate an outline of the procedural timeline for the abrogation proceeding, should I choose to waive or not waive a hearing. Your assistance in clarifying these matters is essential for my comprehension of the current processes and will greatly aid in navigating the steps ahead.

In the meantime, I am submitting this formal request that my removal of students grievance and my research misconduct investigation grievance be merged and consolidated as they are related and interconnected. The consolidation and merger of my grievances is warranted due to

the interrelated nature of the claims and the overarching theme of academic freedom infringement. This detailed explanation elucidates the reasons behind the necessity of such consolidation, focusing on the commonalities between the grievances, the principles of academic freedom at stake, and the procedural fairness required to address these concerns comprehensively. In support of my request, I am providing the following timeline of events:

February 14, 2024: I received notice from Dean Heinzelman that Provost Figlio accepted the Investigation Committee's findings of research misconduct.

February 15, 2024: Based on the notice I received on February 14, 2024, I submitted my grievance regarding the concluded research misconduct investigation directly to the UCTP "[b]ecause Dean Heinzelman and Provost Figlio have coordinated to delay and interfere with my original grievance and because they are again directly involved in subject matter of this additional grievance…" Attached hereto as Exhibit 1 are copies of my grievance documents.

February 17, 2024: The UCTP confirmed receipt of my research misconduct investigation grievance documents. No mention is made of any procedural deficiencies with my submission directly to the UCTP due to the conflicts of interest with Dean Heinzelman and Provost Figlio. Attached hereto as Exhibit 2 is the UCTP's confirmation communication.

February 26, 2024: I received notice that Provost Figlio referred his decision to terminate my employment to the UCTP. Attached hereto as Exhibit 3 is Provost Figlio's letter.

February 27, 2024: I wrote to the UCTP confirming my two grievances and confirming that Provost Figlio was the subject of both grievances. I requested information regarding the status of the research misconduct investigation grievance. Attached hereto as Exhibit 4 is a copy of my email to the UCTP.

February 28, 2024: The UCTP informed me for the first time that they were not recognizing my research misconduct investigation grievance because it had to be submitted to Provost Figlio. Attached hereto as Exhibit 5 is a copy of the UCTP's email communication.

February 29, 2024: I submitted my research misconduct investigation grievance to Provost Figlio. Attached hereto as Exhibit 6 are copies of my research misconduct investigation grievance documents.

March 1, 2024: Provost Figlio acknowledged receipt of my research misconduct investigation grievance documents. Attached hereto as Exhibit 7 is a copy of Provost Figlio's email communication.

March 1, 2024: The UCTP confirmed receipt of my research misconduct investigation documents and noted they are waiting for Provost Figlio, the subject of the

research misconduct investigation grievance, to respond. Attached hereto as Exhibit 8 is a copy of the UCTP's email communication.

* * *

As you can see, upon receiving notice from Dean Heinzelman on February 14, 2024, regarding Provost Figlio's acceptance of the Investigation Committee's findings of research misconduct, I promptly submitted my grievance concerning the concluded research misconduct investigation to the UCTP on February 15, 2024. This decision was predicated on the understanding that both Dean Heinzelman and Provost Figlio were, in part, the subjects of not only my first grievance but also the second grievance and have obvious conflicts of interest. My decision was also predicated on my concern for retaliatory conduct which I had previously mentioned to the UCTP.

The UCTP's acknowledgment of receipt of my documents on February 17, 2024, did not indicate any procedural deficiencies with my direct submission because of the conflicts of interest with Dean Heinzelman and Provost Figlio. This acknowledgment led me to believe that my grievance was being processed appropriately. I am concerned about the procedural delay in notifying me of the specific requirements for submitting my grievance, particularly given the sensitive nature of the allegations and their potential impact on my academic career. Moreover, the directive to submit my grievance to an individual directly implicated in the grievances poses a clear conflict of interest and challenges the principles of fairness and impartiality that underpin the grievance process.

The delay in informing me that my submission must first be submitted to Provost Figlio, despite the clear conflict of interest, allowed for a critical period during which Provost Figlio submitted his request for my employment termination to the UCTP. This sequence of events is particularly concerning, as it suggests that the procedure is not only hindering the timely and fair review of my grievances but also facilitated a scenario in which the subject of my grievances, Provost Figlio, could influence the outcome of my employment status without the full consideration of my grievances by the UCTP.

This situation underscores a fundamental flaw in the grievance process when it comes to handling cases involving allegations against high-ranking university officials such as Provost Figlio. The requirement to submit grievances through individuals who are the subject of those grievances presents an inherent conflict of interest, creates an environment for retaliation, and compromises the principles of fairness and impartiality essential to the grievance process. Moreover, the delay in notifying me of the procedural issue effectively sidelined my grievances, allowing administrative actions against me to proceed unimpeded.

Considering the circumstances surrounding my first grievance, it's crucial to understand the context in which the removal of my students by the Dean occurred, especially considering its timing during the ongoing research misconduct investigation that is the subject of my second grievance. This action, far from being a mere administrative adjustment, significantly impacted on the perception of my professional integrity and academic standing. The unilateral reassignment of my students, without due consultation or transparent justification, not only disrupted my academic

and advising responsibilities but also cast a shadow of presumed guilt over me amidst a sensitive investigatory period.

This perception of wrongdoing, fostered by the removal of my students, unduly influenced the student body and broader academic community, engendering a prejudiced atmosphere that tainted the ongoing research misconduct investigation that is the subject of my second grievance. Such an environment not only compromised the fairness of the investigation but also violated the principles of impartiality and objectivity that are supposed to govern such processes.

Moreover, this act of removing my students served to preemptively penalize me before the completion of the investigation, effectively undermining the presumption of innocence until proven guilty. It also interfered with the natural course of mentor-student relationships, which are foundational to the academic growth and development of students. These relationships, built on trust and mutual respect, were abruptly severed, denying students the continuity and stability necessary for their academic pursuits.

The second grievance arises, in part, from these very concerns, highlighting the biased and prejudiced atmosphere created by the administrative actions taken against me. This grievance further explores how such an atmosphere has not only affected the integrity of the research misconduct investigation but also how it reflects a broader pattern of retaliatory behavior and conflict of interest on the part of the university administration. By undermining my position and influencing the academic community's perception before the conclusion of the investigation, these actions have infringed upon my rights to a fair process and the ability to defend myself against the allegations made.

Here, I want to highlight the common grounds and interrelated claims underlying the two grievances I have brought before you. While these grievances may seem distinct at first glance, they are united by a central theme: the infringement of my academic freedom through administrative actions and decisions. My first grievance stems from a unilateral decision by the Dean to reassign all my students, significantly impacting my freedom and responsibilities in teaching, advising, and research. The second grievance builds upon this narrative, addressing perceived retaliatory actions by university administrators that further aim to undermine my professional standing and responsibilities, coupled with allegations of a biased research misconduct investigation.

Moreover, both grievances illuminate a concerning lack of procedural fairness and due process in the university's response to my concerns. The initial grievance criticizes the procedural route that permitted my concerns to be dismissed at the provost level without the involvement of a faculty grievance committee, despite clear implications for academic freedom. The subsequent grievance further underscores this issue, revealing delay tactics and conflicts of interest in the management of both my original grievance and the research misconduct investigation. The entwined nature of these procedural matters across both grievances underscores the critical need for a consolidated review by the UCTP, ensuring my rights to a fair and impartial hearing are thoroughly upheld.

Considering the shared thematic elements, underlying principles at stake, and procedural concerns highlighted in both grievances, I respectfully request that the UCTP consider the deeply

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interconnected nature of my grievances and the significant procedural concerns that have arisen during their submission and review. Given the circumstances detailed above, where procedural oversights have notably advantaged the position of Provost Figlio—the subject of my grievances—I urge the UCTP to consolidate and address both of my grievances in a comprehensive manner prior to taking any action on Provost Figlio's request for my termination from the University of Rochester. This approach is not only critical for ensuring a fair and impartial review of the matters at hand but is also essential for upholding the integrity of the university's grievance process and the foundational principles of academic freedom and fairness that the University of Rochester is committed to protecting. I trust that the UCTP will consider my request in the spirit of justice and the academic values we all hold dear, allowing for a resolution that respects the rights and contributions of all faculty members within our esteemed institution.it is evident that a consolidated review by the UCTP is not only justifiable but necessary.

Sincerely,

Ranga Dias

Enclosures

cc: Renato Perucchio
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Professor, Department of Mechanical Engineering
Professor, Department of Biomedical Engineering
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